

Title VI & LEP Guidelines

SUBJECT:

Providing Language Assistance to Limited English Proficient (LEP) Persons

PURPOSE:

To provide guidance regarding the obligation to provide language assistance to limited English proficient (LEP) persons

AUTHORITY:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) et seq.; Executive Order 13166; U.S. Department of Labor Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons.

SCOPE:

These guidelines apply to UDOT Complex, Regions our recipients, sub-recipients and other Department agents who receive federal financial assistance for their programs and services.

I. SUMMARY

As recipients of federal financial assistance, we have a responsibility to assure nondiscrimination in service delivery to persons who are limited-English proficient. Effective plans include clear goals, management accountability and opportunities for community input and planning throughout our processes.

A. Assessment

The Title VI Coordinator will make periodic assessments (but no period shall be longer than one year) of the languages spoken by LEP persons within our service area and the number of LEP persons who are eligible for the services, and then supply appropriate language assistance according to these guidelines.

B. Language Assistance

The Title VI Coordinator will take reasonable steps to assure that LEP persons receive the language assistance necessary to afford them meaningful access to our programs and services.

- ~ We will identify the initial point of contact, as well as any subsequent points of contact, with LEP persons where language assistance is likely to be needed.
- ~ We will provide a method or methods at the initial point of contact to notify LEP persons that:
 - a. upon request, they are offered language assistance;
 - b. language assistance will be provided at no cost to them; and
 - c. vital documents translated.
- ~ Based on its assessments, we will make arrangements, based on these guidelines, for appropriate interpreter and translation services. The language needs, the resources to provide effective language, and the arrangements to access these resources in a timely fashion shall be promptly determined and prominently displayed for future reference.

C. Monitoring

Periodically (but no period shall be longer than one year), everyone will monitor its language assistance program to assess its effectiveness.

Monitoring shall include, but is not limited to:

1. determining whether existing language assistance is meeting LEP person's needs;
2. determining whether staff is trained in current LEP policies; and,
3. determining whether resources and arrangements for assisting LEP persons is still current and viable.

II. DISCUSSION

1. Who is an LEP person?

A person who, due to national origin, does not have or has limited ability to read, write, speak, or understand English to the extent that he or she cannot have meaningful access to a the Department's services. Limited English proficient persons are entitled to language assistance with respect to a particular type of service, benefit, or encounter.

A. Assessment

Assessment involves estimating the number of LEP persons in each language group that are likely to be encountered within our service area, identifying the LEP language needs within the service area, identifying the language resources available to meet the LEP language needs and making arrangements to supply effective and timely language assistance.

B. Determining the Extent of the Obligation to Provide LEP Services

The intent is to achieve a balance that assures meaningful access to critical services while not imposing undue burdens on the Department, its recipients and sub-recipients. The starting point is an analysis that considers four factors:

- ~ The number or proportion of LEP persons served or encountered in the eligible service population;
- ~ The frequency with which LEP persons come in contact with the program;
- ~ The nature and importance of the program, activity or services; and,
- ~ The translation and interpreter resources available and the costs to the District for such services.

C. Providing Meaningful Access to Services

The key to assuring “meaningful access” to services and benefits for LEP persons is to provide language assistance that results in accurate and effective communication between the District and our communities by considering the types of services and/or benefits, and the person’s circumstances.

Effective programs for LEP services usually consist of the following:

1. Annual assessment of the language needs of the population to be served through, for example:
 - a. Identification of the languages other than English that are likely to be encountered in the service area and by estimating the number of LEP persons in each language group who are likely to be directly affected by our programs or activities;
 - b. Review of census and county labor-market data; or
 - c. Review of statistics from school systems, community agencies and organizations; and,
 - d. Comparison to demographic data.
2. Maintaining LEP status for certain communities in files to assure consistent communication in the appropriate language.
3. Identifying the stages or contact points in the program or service area where language assistance is likely to be needed.
4. Reviewing delivery processes to determine whether any program process denies or limits participation by LEP persons.
5. Understanding circumstances in which there may be a need for third-party communication (for example, communicating with the limited English proficient parent’s children regarding their property which is involved with ROW).

6. Identifying and locating the translation and interpreter resources that are needed to provide the language assistance.

D. Language Assistance

At a minimum, LEP persons shall be notified that:

1. upon request, they are offered language assistance; and
2. language assistance will be provided at no cost to the person; and,
3. vital documents translated.

There are two major components to a language-assistance program:

1. oral language interpretation and
2. translation of written materials.

2. Discrimination-Complaint Procedures

LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral translation of vital information we will provide upon request.

Examples of LEP Services

- Direct foreign language communication by fluent bilingual staff
- Interpretation (oral), conducted in-person or via telephone by qualified interpreters
- Translation (written) by qualified translators

What is NOT Limited English Proficiency

- Hearing or visual impairments - sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.
- Illiteracy - LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write an language other than English.

Other Legal Authorities

FHWA Title VI Regulation, 23 CFR 200

USDOT Title VI Regulation, 49CFR 21

USDOT LEP Guidelines, 70 FR 74087

Civil Rights Office Personnel

**Utah Department of
Transportation
Office of Civil Rights
Title VI Compliance Specialist
P. O. Box 141520
Salt Lake City, Utah 84114-1520
Telephone: (801) 965-4384
Fax: (801) 965-4101**

<http://www.udot.utah.gov/go/title6>

Resource Websites:

**Federal Highway Administration (FHWA)
Office of Civil Rights
www.fhwa.dot.gov/civilrights/index.htm**

**FHWA Resource Center Civil Rights
Technical Service Team
www.fhwa.dot.gov/resourcecenter**

**U.S. Department of Transportation
www.dotcr.ost.dot.gov**

**U.S. Department of Justice
www.usdoj.gov.crt**

**Limited English Proficiency
www.lep.gov**



Revised: September 6, 2011
Utah Department of Transportation

Providing services to ALL
people regardless of Race,
Color, or National Origin

**UDOT Civil Rights
Office**

**Limited
English
Proficiency**

What Contractors should
know about providing
services to LEP Individuals...



Limited English Proficiency — LEP

The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to develop creative solutions to address the needs of this ever-growing population of individuals whose primary language is not English.

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply?

All programs and operations of entities that receive assistance from the federal government (i.e. recipients), including:

- State agencies
- Local agencies
- Private & nonprofit entities

*** *Sub-recipients (entities that receive federal funding from one of the recipients listed above) also must comply.*

Legal Authority

Title VI of the 1964 Civil Rights Act

“No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or actively receiving federal financial assistance”
—42 U.S.C. § 200d.

Different treatment based on a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166

This Order, “Improving Access to Service for Persons with Limited English Proficiency,” directed federal agencies to:

- Publish guidance on how their recipients can provide access to LEP persons.
- Improve the language accessibility of their own federal programs.
- Break down language barriers by implementing consistent standards of language assistance across the federal agencies, and amongst all recipients of federal financial assistance.

This order covers all federal and federally assisted programs and activities...

Limited English Proficiency — LEP

Four Factor Analysis

Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important benefits, rights, programs, information, and services. The starting point is an individualized assessment that balances the following four factors:

1. The number of proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to peoples lives; and
4. The resources available to the grantee/recipient and costs.

Elements of an Effective LEP Policy

- Identifying LEP persons who need language assistance
- Identify ways in which language assistance will be provided.
- Train your staff
- Provide notice to LEP persons
- Monitoring & updating LEP Policy

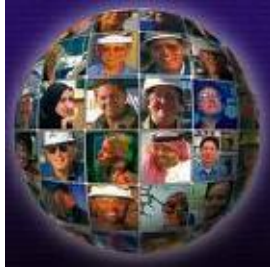
Memorandum



Notice to All Employees

Department Guidelines for helping persons of
LIMITED ENGLISH PROFICIENCY
Are as follows;

1. Determine if any individual/individuals speak English.
2. If the person does not speak English well enough to communicate, provide them with the "I Speak" cards to help determine what language they speak.
3. After determining what language the person speaks, refer to the Translator's Directory for an interpreter for that language or attempt to find a fellow employee to serve as an interpreter.
4. For TTY/TDD services contact (801)464-2000 for Salt Lake area or (800)990-9328 for all other areas in Utah.



TITLE VI PROGRAM LIMITED ENGLISH PROFICIENCY (LEP) REPORTING FORM

NAME: _____ DISTRICT/HQ: _____ DATE: _____

HOW DID THE LEP PERSON CONTACT YOU?

WALK-IN: _____ TELEPHONE: _____ IN WRITING: _____

HOW WAS THE INTERPRETER/TRANSLATION SERVICES PROVIDED?

- DEPARTMENT VOLUNTEER _____
- DEPARTMENT INTERPRETER/TRANSLATOR _____
- LANGUAGE LINE TELE-INTERPRETER SERVICE _____
- OTHER (PLEASE SPECIFY) _____

LANGUAGE _____

LENGTH OF TIME TO PROVIDE SERVICE _____

PLEASE SEND THE COMPLETED FORM TO:

Janet Rixey, Title VI Compliance Specialist
4501 South 2700 West
P O Box 141520
Salt Lake City, UT 84114-1520
Fax: 801-965-4101
Email: jrixey@utah.gov

- | | | |
|--------------------------|--|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> | Խոսողում՝ ե՞նք նշում կատարե՞ք այս քառակուսում,
եթե խոսում կամ կարդում եք հայերեն: | 2. Armenian |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> | ល្អប្រសើរណាស់ប្រសិនបើ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> | Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید. | 12. Farsi |

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໄທ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องสี่เหลี่ยมหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

Translator Resource Directory

Complex				
Ahmad Jaber	System Planning	Arabic	801-965-4082	Salt Lake
Blaine Leonard	Research	Japanese	(801) 965-4115	Salt Lake
Bryan Lee	Materials	Dutch	(801) 965-3814	Salt Lake
Cristina Cibrian	Administration	Spanish	(801) 965-4224	Salt Lake
Daniel Hsiao	Research	Chinese	(801) 965-4638	Salt Lake
Eric Cheng	Traffic & Safety	Mandarian Chinese & Taiwanese	(801) 965-4284	Salt Lake
Howard Anderson	Materials	Navajo	(801) 965-4065	Salt Lake
John Njord	Executive Director	Portuguese	(801) 965-4858	Salt Lake
Kevin Nichol	System Planning	Italian	(801) 965-4560	Salt Lake
Khaisy Vonarath	System Planning	Lao & Thai	(801) 965-3806	Salt Lake
Lyle McMillan	Right of Way	Spanish	(801) 965-4331	Salt Lake
Michael Fazio	Research	Italian	(801) 957-8595	Salt Lake
Megan James	Research	Russian	(801) 870-2692	Salt Lake
Mumtaz Mullahkel	Systems Panning	Farsi & Pashto (Afghanistan)	(801) 870-1595	Salt Lake
Raymond Sanchez	Procurement	Spanish	(801) 965-4183	Salt Lake
Regis Chen	Traffic & Safety	Chinese	(801) 965-4263	Salt Lake
Reinhard Ruf	Risk Management	German Portuguese	(801) 965-4267	Salt Lake
Renee Ye	ETS	Madarin Chinese Cantonese	(801) 964-4598	Salt Lake
Ruben Schoenfeld	Technology Services	German	(801) 965-4374	Salt Lake
Rukhsana Lindsey	Right of Way	Urdu/Hindi (India/Pakistan)	(801) 965-4196	Salt Lake
Shane Squire	ISS	Spanish	(801) 965-4423	Salt Lake
Todd Hadden	System Planning	Spanish	(801) 975-4527	Salt Lake
Tumau La-ulu	Road Inventory & Photo	Samoan	(801) 870-4028	Salt Lake
Vincent Liu	Traffic & Safety	Mandarin / Cantonese Chinese	(801) 965-4264	Salt Lake
Zeke Gonzalez	Traffic & Safety	Spanish	(801) 965-4275	Salt Lake
I-15 CORE				
Jason Richins	Central Materials	Spanish	(801) 360-4985	Salt Lake
TOC				
Eileen Yang	Traffic Operations	Chinese	(801) 887-3457	Salt Lake
Kuang-Po Lee	ISS	Chinese	(801) 887-3751	Salt Lake
Sarah Xing	ISS	Mandarian / Cantonese Chinese	(801) 887-3754	Salt Lake

Region 1				
Benjamin Mauhan	Roadway Design	German	(801) 620-1717	Ogden
Daniel Erikson	Traffic	Swedish	(801) 620-1653	Ogden
Darin Duersch	Traffic	Portuguese	(801) 620-1607	Ogden
Essy Rahimzadegan	Preconstruction	Farsi & Persian (Iranian)	(801) 620-1658	Ogden
Ofa Fonua	Preconstruction	Tongan	(801) 620-1669 or 965-4055	Ogden
Randy Jefferies	I-15 Now	Italian	(801) 612-4043	Ogden
Troy Nikolas Wrigley	Sign Shop	Japanese	(801) 965-8171	Ogden
Zack Andrus	Rotational Engineer	Russian	(801)928-0265	Ogden
Region 2				
Codee Raymond	Masonry Equip. Shed	Tagalog (Philippiness)	(801) 523-2632	Salt Lake
Daniele Dearing	Design Dept.	Portuguese	(801) 975-4818	Salt Lake
George Lukes	Roadway Design	Spanish	(801) 887-3435	Salt Lake
Larry Limberis	Masonry Equip. Shed	Greek	(801) 975-4960	Salt Lake
Oanh LeSpradlin	Construction	Vietnamese	(801) 975-4819	Salt Lake
Robert Miles	Traffic Operations	Greek	(801) 975-4827	Salt Lake
Roberto Cabral	Station 224	Spanish	(801) 972-2531	Salt Lake
Sovann Ok	Preconstruction	Cambodian (Khmer)	(801) 975-4836	Salt Lake
Tom Alley	Maintenance	Italian	(801) 673-1896	Salt Lake
Zachary Boyle	Engineer	Spanish	801-910-8562	Salt Lake
Region 3				
Brent Schvaneveldt	Admin Bldg	Spanish	(801) 830-9506	Orem
Clayton Weaver	Roadway Design	Russian	(801) 227-8064	Orem
Dan Avila	Access Utah County	Spanish	(801) 341-6312	Lehi
David Simmons	Rotational Engineer	Spanish	(801) 674-5131	Orem
Matt Parker	Construction Trailer	Spanish	(801) 222-3466	Orem
Marco Palacios	Matt's Const.Trailer	Spanish	(801) 222-3465	Orem
Region 4				
Chris Lovell	Station 4483	Spanish	(435) 864-2196	Delta
Gernice White	Project Management	Navajo	(435) 893-4764	Richfield
Joel Finlinson	Technology Services	Japanese	(435) 893-4745	Richfield
Nathan Merrill	Administration	Spanish	(435) 691-1757	Cedar
Samuel Grimshaw	Field Engineer	Spanish	(435) 865-5500	Cedar
Silvia Barbre	Design	Spanish	(435) 893-4721	Richfield
Troy Torgersen	Traffic & Signal	Norwegian	(435) 893-4707	Richfield

Revised 11/23/10

SIGN LANGUAGE

LIMITED ENGLISH PROFICIENCY

